House Calendar No. 114

108TH CONGRESS
1ST SESSION

H. CON. RES. 268

[Report No. 108–327]

Expressing the sense of the Congress regarding the imposition of sanctions on nations that are undermining the effectiveness of conservation and management measures for Atlantic highly migratory species, including marlin, adopted by the International Commission for the Conservation of Atlantic Tunas and that are threatening the continued viability of United States commercial and recreational fisheries.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2003

Mr. SAXTON (for himself and Mr. GILCHREST) submitted the following concurrent resolution; which was referred to the Committee on Resources

OCTOBER 28, 2003

Additional sponsors: Mr. PALLONE and Mr. FALEOMAVAEGA

OCTOBER 28, 2003

Referred to the House Calendar and ordered to be printed

CONCURRENT RESOLUTION

Expressing the sense of the Congress regarding the imposition of sanctions on nations that are undermining the effectiveness of conservation and management measures for Atlantic highly migratory species, including marlin, adopted by the International Commission for the Conservation of Atlantic Tunas and that are threatening

the continued viability of United States commercial and recreational fisheries.

Whereas some fishing vessels of members and nonmembers of the International Commission for the Conservation of Atlantic Tunas (hereinafter referred to as the "Commission") that fish in the Commission regulatory area have not conformed with Commission recommendations for some stocks, including those promoting the live release of Atlantic marlin;

Whereas repeated nonconformance with Commission recommendations by fishing vessels of Commission members and nonmembers undermines the effectiveness of the Commission to establish, maintain, and enforce conservation measures, including rebuilding plans for overfished species of fish that are under the Commission's management authority;

Whereas failure of Commission members to enforce Commission conservation and management measures, including reductions in Atlantic marlin landings, threatens the continued viability of United States commercial and recreational fishing industries and undermines conservation goals;

Whereas the Commission has adopted a resolution that further defines the scope of illegal, unregulated, and unreported fishing activities by large-scale longline vessels in the Commission regulatory area; and

Whereas such resolution includes provisions directing Commission members and cooperating nonmembers to take every possible action, consistent with relevant laws, to prevent the engagement in transaction and transshipment of tunas and tuna-like species from vessels that engage

in illegal, unregulated, and unreported fishing activities, including vessels that engage in any fishing that is not in compliance with relevant Commission conservation and management measures: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring),* That it is the sense of Congress that—

3   (1) the President should—

4   (A) direct the United States Commis-
5   sioners to the International Commission for the
6   Conservation of Atlantic Tunas (in this resolu-
7   tion referred to as the "Commission") to seek
8   the establishment of effective conservation,
9   management, and enforcement measures for the
10   species under consideration at the 2003 Com-
11   mission meeting, including for Atlantic marlin;

12   (B) continue to encourage members and
13   nonmembers that fish in the Commission regu-
14   latory area to make every effort to end illegal,
15   unregulated, and unreported fishing, including
16   any fishing that is not in conformance with rel-
17   evant conservation recommendations adopted by
18   the Commission, including those concerning At-
19   lantic marlin landing reductions;

20   (C) make full use of all appropriate diplo-
21   matic mechanisms, relevant international laws
22   and agreements, and other appropriate mecha-

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nisms to ensure conformance with conservation
recommendations for all species under the Com-
mission's management authority, including At-
lantic marlin; and

(D) continue to encourage the Commission
to adopt conservation recommendations author-
izing the use of enforceable measures to prevent
those who fish in the Commission regulatory
area from taking actions that would undermine
the effectiveness of conservation and manage-
ment recommendations of the Commission;

(2) if any vessel of a Commission member or
nonmember fishes in the Convention area without
conforming with the conservation, management, and
enforcement recommendations adopted by the Com-
mission in such a manner or in such circumstances
as would tend to diminish the effectiveness of Com-
mission fishery conservation recommendations, then
such member or nonmember should be considered to
be—

(A) subject to the regulations under sec-
tions 6(c)(4) and (5) of the Atlantic Tunas
Convention Act of 1975 (16 U.S.C. 971d(c)(4)
and (5)); and

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1   (B) subject to the provisions of the Com-
2   mission's rules that ensure conformance with
3   Commission recommendations by member and
4   nonmembers; and
5   (3) if any vessel fishes in such a manner or in
6   such circumstances as would tend to diminish the ef-
7   fectiveness of international fishery conservation pro-
8   grams, then such action should be considered to be
9   a fact that is certifiable under section 8(a)(1) of the
10   Fishermen's Protective Act of 1967 (22 U.S.C. 1978
11   (a)(1)).

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